

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
NORTHERN DIVISION

No. 2:24-CV-49-FL

KENNY R. HOLLEY,

Plaintiff,

v.

FRANK J. BISIGNANO, Commissioner of
Social Security,

Defendant.

ORDER

This matter is before the court on its own initiative following its May 5, 2025, notice to the parties regarding briefing under the Supplemental Rules for Social Security Actions under 42 U.S.C. § 405(g) (the “Supplemental Rules”). (DE 20). Also before the court are the following motions by plaintiff: motion for a fact finding hearing (DE 22), motion for discovery (DE 23), motion to object to the defendant filing an improper answer to the complaint for not servicing a copy to the plaintiff and the scheduling of a brief hearing by the clerk of court (DE 24), and motion to compel discovery (DE 25).

As set forth in the court’s May 5, 2025, notice, this action is governed by the Supplemental Rules.¹ Under those rules, this action must be presented for decision by the court by the parties’ briefs. Defendant filed an answer under Supplemental Rule 4 on May 5, 2025. Accordingly, under Supplemental Rule 6, plaintiff’s brief was due to be filed with the court on or before June 7, 2025.

¹ The Supplemental Rules are published as a supplement to the Federal Rules of Civil Procedure.

Plaintiff, however, has not filed a brief as required by the court's May 5, 2025, notice and the Supplemental Rules. "A brief must support assertions of fact by citations to particular parts of the record," and the matter must be decided based upon the administrative record, which was filed and served by defendant May 5, 2025. (DE 19, 21); See Supplemental Rules 4, 5.

Accordingly, the court allows plaintiff one additional opportunity to file a plaintiff's brief in accordance with the Supplemental Rules and the instructions set forth herein. Plaintiff is DIRECTED to file his brief on or before **August 28, 2025**. Plaintiff is WARNED that this action may be dismissed for failure to prosecute and for failure to follow the court's order, in the event plaintiff fails to file a brief by this deadline. Because this action is governed by the Supplemental Rules and must be decided on the administrative record, plaintiff's motions seeking hearings and discovery are DENIED.

SO ORDERED, this the 28th day of July, 2025.


LOUISE W. FLANAGAN
United States District Judge